

HOUSE BILL 2432

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 3;
Title 4; Title 5; Title 6; Title 7; Title 8; Title 17 and
Title 50, relative to drug testing of elected officials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 1, Part 1, is amended by
adding the following as a new section:

3-1-123.

(a) The speaker of the house of representatives and the speaker of the senate, in consultation with the minority leaders in each house of the general assembly, shall develop and implement a system for drug testing the members of the general assembly. The system shall provide for the testing of a member of the general assembly in a manner consistent with the provisions for a drug free workplace under title 50, chapter 9, subject to the limitations of this section. The general assembly shall be deemed to be a covered employer for the purposes of title 50, chapter 9, involving compliance with the provisions of this section. The expenses of the system may be paid from applicable accounts of the general assembly for official purposes.

(b) Members of the general assembly elected on and after November 6, 2012 shall be tested in the same manner as a job applicant under § 50-9-106(a)(1) before the end of the organizational session of the general assembly or within two (2) weeks of having been sworn in to office. For any member of the general assembly who is subject to drug testing under this section, any refusal to submit to a drug test or any positive confirmed drug test shall be reported to the appropriate speaker for appropriate action. A member of the general assembly

shall not be denied the seat to which the member was elected for a refusal to submit to a drug test or for a positive confirmed drug test, but the member may be subject to appropriate discipline by the appropriate house of the general assembly as permitted by the Constitution of Tennessee and other applicable law.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 50, Part 1, is amended by adding the following as a new section:

8-50-118.

(a) The Tennessee ethics commission, created by § 3-6-103, shall develop and implement a system for drug testing all persons who are elected to public office. The system shall provide for the testing of elected public officials in a manner consistent with the provisions for a drug free workplace under title 50, chapter 9, subject to the limitations of this section. The expenses of the system may be paid from applicable accounts of public entities for official purposes.

(b) Public officials elected on and after November 6, 2012 shall be tested in the same manner as a job applicant under § 50-9-106(a)(1) within two (2) weeks of having been sworn in to office. For any elected official who is subject to drug testing under this section, any refusal to submit to a drug test or any positive confirmed drug test shall be reported to the appropriate governmental entity or official for appropriate action. An elected official shall not be denied the office to which the official was elected for a refusal to submit to a drug test or for a positive confirmed drug test, but the official may be subject to appropriate discipline by the appropriate governmental entity or official as permitted by the Constitution of Tennessee and other applicable law.

SECTION 3. Tennessee Code Annotated, Title 17, Chapter 1, Part 1, is amended by adding the following as a new section:

17-1-108. The Tennessee supreme court is urged to develop and implement a system for drug testing all persons who are elected to judicial office. The system should provide for the testing of elected public officials in a manner consistent with the provisions for a drug free workplace under title 50, chapter 9. The expenses of the system may be paid from applicable accounts of the judiciary for official purposes.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 2012, the public welfare requiring it.